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October 2, 2000

## VIA HAND DELIVERY

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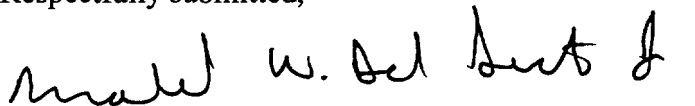
Re: CC Docket 99-200; Reply Comments of RCN Telecom Services, Inc.

Dear Secretary Salas:

On behalf of RCN Telecom Services, Inc. ("RCN"), enclosed please find an original and four (4) copies of RCN's reply comments in the above-referenced docket. Please date stamp and return the enclosed extra copy. Concurrent with this filing, RCN is submitting two (2) copies of its reply comments to the Network Services Division.

Should you have any questions with respect to this matter, please do not hesitate to call Ron Del Sesto at (202) 945-6923.

Respectfully submitted,



Ronald W. Del Sesto, Jr.

Counsel for RCN Telecom Services, Inc.

Enclosure

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In the Matter of )  
 ) CC Docket No. 99-200  
Numbering Resource Optimization )

**REPLY COMMENTS OF  
RCN TELECOM SERVICES, INC.**

**I. INTRODUCTION**

RCN Telecom Services, Inc. ("RCN"), by its undersigned counsel and pursuant to the Federal Communications Commission's ("FCC") September 5, 2000 Public Notice,<sup>1</sup> submits its reply comments in the above-captioned proceeding. RCN commends the FCC and the North American Numbering Council ("NANC") for advancing number pooling through the release of the document containing the technical requirements for the Thousands Block Pooling Administrator ("Pooling Administrator"). In these Reply Comments, RCN suggests that the FCC appoint one Pooling Administrator to implement pooling throughout the United States. RCN also urges the FCC to make clear that pooling in NPAs that will exhaust in less than one year is not practical. RCN opposes suggestions by the state commissions that would subject the Pooling Administrator to state regulatory oversight, and urges the FCC to establish a consistent national number pooling policy. The FCC should also reject state commissions' efforts to accelerate pooling on a state-specific basis.

As expressed by RCN in previous pleadings, numbers need to remain accessible to carriers seeking to enter the local exchange market if facilities-based competition is to take root throughout

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<sup>1</sup> *The Commission Seeks Comment on the Thousands-Block Pooling Administrator Technical Requirements*, CC Docket No. 99-200, DA 00-2011 (rel. Sept. 5, 2000).

the market. Number pooling can be a useful method in increasing the efficiency of number resource utilization.<sup>2</sup> As the NANC Report noted, the more efficient distribution of numbers could lead to less frequent number plan area ("NPA") exhaust situations and could help ensure that new entrants have access to a broader base of numbering resources.<sup>3</sup>

## **II. THE FCC SHOULD AWARD THE CONTRACT TO A SINGLE COMPANY**

As a preliminary matter, RCN urges the FCC to appoint one company as the Pooling Administrator for the entire United States. Number pooling is a complex process that requires carriers to allocate significant resources. Subjecting carriers to two or more Pooling Administrators would increase the cost of compliance and add to the complexity of the process. Thus, RCN urges the FCC to select one company to implement number pooling throughout the United States.

## **III. NPAs THAT WILL EXHAUST IN LESS THAN ONE YEAR SHOULD NOT BE SUBJECT TO POOLING**

Section 2.10.2.5 of the Pooling Administrator Technical Requirements states that NPAs which will exhaust in less than a year will not be treated as priority NPAs for pooling implementation. RCN submits that such NPAs should not be subject to pooling at all. Pooling in such NPAs is an exercise in futility. Carriers have to file the requisite data, identify the used and unused blocks of numbers and donate the appropriate numbering codes. At the very least, these activities take three months to complete. Thus, the stock of available numbers for assignment will become severely strained while waiting for implementation.

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<sup>2</sup> *Numbering Resource Optimization*, CC Docket No. 99-200, Notice of Proposed Rulemaking, rel. June 2, 1999 ("NPRM"), ¶ 130.

<sup>3</sup> *Report*, § 5.5.1.

Furthermore, the benefits of pooling are not as great in an NPA near exhaust as there will not be as many free blocks for assignment. The FCC has recognized this fact “[T]housands-block pooling is likely to provide the greatest benefit when there are sufficient resources still available in the NPA to ‘stock’ the pools. If there are few numbering resources remaining in an NPA, pooling may do little or nothing to extend the life of an NPA.”<sup>4</sup>

Therefore, due to both the length of time it takes to implement pooling and the minimal impact pooling will have on freeing numbering resources, pooling in NPAs that will exhaust in less than a year is a waste of resources for all involved. RCN requests that the FCC modify Section 2.10.2.5 to make clear that NPAs that will exhaust in less than a year from the proposed deployment quarter of number pooling will not be subject to number pooling. To do otherwise is to ignore the reality that other number relief measures are required in such NPAs.

#### **IV. THE POOLING ADMINISTRATOR SHOULD NOT BE SUBJECT TO STATE REGULATION**

RCN respectfully recommends that the FCC not subject the Pooling Administrator to state regulation unless it is absolutely necessary. The implementation of number pooling at the national level will be a sizable undertaking and will require carriers to incur substantial costs. If state commissions were able to alter pooling plans for their jurisdiction, number pooling would increase both in cost and in complexity. Carriers already incur substantial costs in abiding by existing federal and state numbering rules. For example, the FCC has delegated authority to numerous state

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<sup>4</sup> NPRM, at ¶ 150.

commissions to engage in a variety of number conservation measures.<sup>5</sup> In addition, the FCC's Number Resource Optimization Order ("*NRO Order*") delegates to the states authority to engage in number reclamation activities.

Although it may appear relatively harmless in individual cases to delegate numbering authority to state commissions that are more familiar with local circumstances, the overall effect of these delegations is to create up to 50 different sets of rules that a carrier like RCN must comply with. The FCC has provided the states with no uniform guidelines in implementing number resource reclamation, only the directive that state commissions allow carriers "opportunity to explain" their failure to activate central office codes within the requisite time frame.<sup>6</sup> As a result, RCN must now monitor state regulatory efforts to adopt guidelines in reclaiming number resources. Where given the opportunity, RCN will participate in state proceedings that consider number reclamation

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<sup>5</sup> See, e.g., *Connecticut Dept. of Pub. Util. Control Petition for Delegation of Additional Authority to Implement Area Code Conservation Measures*, CC Docket No. 96-98 (rel. Nov. 30, 1999); *New Hampshire Pub. Utils. Comm'n Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code*, CC Docket No. 96-98 (rel. Nov. 30, 1999); *Petition of the Ohio Pub. Utils. Comm'n for Delegation of Additional Authority to Implement Number Conservation Measures* (rel. Nov. 30, 1999); *Petition of the Pub. Util. Comm'n of Texas for Expedited Decision for Authority to Implement Number Conservation Measure*, CC Docket No. 96-98 (rel. Nov. 30, 1999); *Petition of the Pub. Service Comm'n of Wisconsin for Delegation of Additional Number Conservation Measures* (rel. Nov. 30, 1999); *California Pub. Utils. Comm'n Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, CC Docket No. 96-98, FCC 99-248 (rel. Sept. 15, 1999) ("*California Delegation Order*"); *Florida Pub. Service Comm'n Petition to Federal Communications Comm'n for Expedited Decision for Grant of Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-249 (rel. Sept. 15, 1999); *Massachusetts Dept. of Telecom. and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes*, CC Docket No. 96-98, FCC 99-246 (rel. Sept. 15, 1999); *New York State Dept. of Pub. Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-247 (rel. Sept. 15, 1999); *Maine Pub. Utils. Comm'n Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-260 (rel. Sept. 28, 1999).

<sup>6</sup> See *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking ("*NRO Order*"), 15 FCC Rcd 7574 (2000), at ¶ 239.

guidelines in the hopes of establishing some kind of uniformity in the process and ensuring that the proposed procedures conform with federal law.<sup>7</sup> This, in itself, is a costly process with no guaranteed results. However, many states simply adopt policies without any input from the industry and without regard to what other jurisdictions may do, thus increasing both the cost and complexity of regulatory compliance.

For these reasons, RCN recommends that the FCC reject the proposal by the state commissions that Section 2.0 of the technical requirements document for the Pooling Administrator reference state regulatory orders when defining the pooling administration requirements.<sup>8</sup> Aside from the cost and impracticality of the Pooling Administrator having to integrate orders issued by fifty separate state commissions into its responsibilities and duties, the proposed text is inconsistent with the FCC's *NRO Order*. As stated in the *NRO Order*, "[T]he national thousands-block pooling framework, *including the technical standards and pooling administration provisions*, will supercede . . . interim delegations of authority to state commissions."<sup>9</sup>

Similarly, RCN further suggests that the FCC reject the proposal by state commissions that would allow them to have the ability to impact numbering resource plans, administrative directives,

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<sup>7</sup> Recently, the New York Public Service Commission ("NYPSC") proposed guidelines for number reclamation procedures and solicited industry comment. It is unclear whether other state commissions will solicit comment from the industry or even attempt to adopt uniform guidelines for reclamation procedures as a result of the *NRO Order*.

<sup>8</sup> See *Comments of the Maine, New Hampshire and California Public Utilities Commission* ("State Commission Comments"), at p.3 (suggesting that the final document include reference to "regulatory orders issues [sic] by state commissions."); *Comments of the Public Utility Commission of Texas* ("PUCT Comments"), at pp. 1-2.

<sup>9</sup> *NRO Order*, at ¶ 169 (emphasis added).

and number assignment guidelines.<sup>10</sup> State commissions do not have the jurisdiction to establish national numbering policy. Even if the FCC were to interpret this proposal as allowing state commissions to alter the rules only for the jurisdiction where they have the requisite legal authority, this recommendation is inconsistent with the *NRO Order* and is antithetical to the implementation of a national pooling implementation plan. If state commissions are given the ability to modify any of the activities set out in Section 2.5.1 of the Thousands Block Pooling Administrator Technical Requirements document, it will be impossible for the Pooling Administrator to develop a nationwide thousands-block pooling implementation plan in a timely and cost efficient manner.

#### **V. THE FCC SHOULD CLARIFY THE ROLE OF THE STATE COMMISSIONS IN NUMBER POOLING**

RCN asks that the FCC clarify the meaning of Section 2.5.4 of the Technical Requirements document. The portion in question reads, “The Pooling Administrator is also required to comply with state regulatory decisions, rules and orders with respect to pooling . . . as long as they are not in conflict with FCC decisions, orders and rules and are within state jurisdiction.”<sup>11</sup> Since the responsibility for implementing nationwide number pooling resides with the FCC, state commissions will not have the authority to define the national rollout of number pooling. To the extent that a state commission is already engaged in number pooling, state trials must conform to national standards.<sup>12</sup> If this section is meant to apply only to state regulation of ongoing trials that have not yet conformed

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<sup>10</sup> See Thousands Block Pooling Administrator Technical Requirements, § 2.5.1; State Commission Comments, at p. 3; PUCT Comments, at p. 2.

<sup>11</sup> Thousands Block Pooling Administrator Technical Requirements, § 2.5.4.

<sup>12</sup> See *NRO*, at ¶ 169.

to national standards and state commissions have sought and received the necessary waiver from the FCC, RCN requests that this section specifically mention the limited scope of state authority in this area. To the extent that this section is meant to apply to a broader area of state authority over number pooling, RCN requests that the FCC clarify the domain of the states in the national implementation of number pooling.<sup>13</sup>

## **VI. THE FCC SHOULD REJECT ANY PROPOSED MODIFICATIONS TO THE ROLLOUT SCHEDULE**

Finally, RCN urges the FCC to reject the request made by several state commissions to change the pooling implementation rollout schedule.<sup>14</sup> The state commissions suggest that converting state trials will not take the same amount of time as rolling out pooling in new areas and that the time savings should allow for the pooling administrator to engage in more trials per region, per quarter. Actually, however, it is not at all clear that converting state trials will take less time than implementing pooling in new areas. This will depend on how long the pooling trial has been ongoing and how much work is needed to conform the state pooling trial to national standards.

Even if it does take less time, RCN questions the wisdom of accelerating pooling. The FCC has already weighed the costs and benefits associated with various pooling implementation plans in

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<sup>13</sup> RCN understands that state commissions can petition the Pooling Administrator to substitute one NPA for another so long as the NPA meets certain criteria, and that state commissions can also opt out and opt in to the national pooling rollout schedule. *See NRO*, at ¶¶ 163-165. RCN further understands that state commissions can petition for delegated authority to begin number pooling prior to the national rollout. *See id.* at ¶ 128. Outside of these limited areas, it is unclear to RCN what authority the state commissions have in the national rollout of number pooling and why the Pooling Administrator would have to comply with state commissions' orders concerning number pooling.

<sup>14</sup> *See State Commissions Comments*, at p. 4; *PUCT Comments*, at p. 2.



determining the current rollout schedule.<sup>15</sup> As stated by the FCC, “[C]onfining the rollout of pooling to three NPAs per NPAC region per quarter will ensure that our rollout does not strain the resources of the national thousands-block number Pooling Administrator and is undertaken smoothly.”<sup>16</sup> Furthermore, the state commissions fail to recognize that carriers operating in multiple regions will already be participating in multiple pooling trials. Increasing the burden in one particular state may not seem like much to a state commission focused only on its jurisdiction, but it has the potential to drastically impact a carrier operating in multiple states. This fact was recognized by the FCC in noting that “a staggered roll-out will provide carriers time to upgrade or replace [Service Control Points] and other components of their network.”<sup>17</sup> Thus, it is imperative that the FCC adhere to the rollout schedule set out in the *NRO Order*.

## VII. CONCLUSION

RCN strongly recommends that the FCC select one Pooling Administrator to implement pooling throughout the United States. RCN requests that the FCC modify Section 2.10.2.5 to reflect the reality that pooling is ineffective in NPAs that will exhaust in less than one year from the proposed pooling deployment quarter. RCN further recommends that the FCC reject the suggested modifications to the Technical Requirements document proposed by the state commissions. RCN opposes subjecting the Pooling Administrator to state regulation unless it is absolutely necessary. In particular, the FCC should not modify Sections 2.0 and 2.5.1 of the Technical Requirements document. Additionally, RCN requests that the FCC clarify the state commissions’ authority in the

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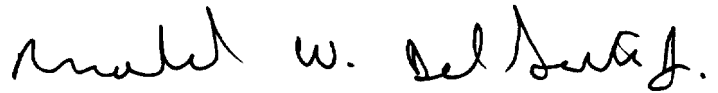
<sup>15</sup> See *NRO*, ¶¶ 156-166.

<sup>16</sup> See *id.* at ¶ 159.

<sup>17</sup> See *id.*

nationwide rollout of number pooling. Section 2.5.4 indicates that the Pooling Administrator must comply with state regulatory decisions. Outside of clearly defined circumstances set out in the *NRO Order*, it is unclear as to what authority the state commissions have in number pooling. Finally, RCN urges the FCC to adhere to the pooling implementation schedule set out in the *NRO Order*.

Respectfully submitted,



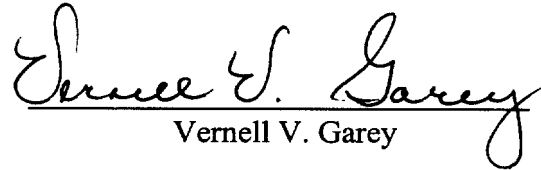
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Dated: October 2, 2000

## CERTIFICATE OF SERVICE

I, **Vernell V. Garey**, hereby certify that on October 2, 2000 the foregoing document was served on the individuals listed on the following service list by first-class U.S. Mail (or by overnight delivery/hand-delivery, as marked\*).

  
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